

1 **DECLARATION OF DEFENDANT ARA E. AVETYANTS**

2 I, ARA E. AVETYANTS, declare as follows:

3 1. I am one of the defendants in the above-entitled
4 matter.

5 2. On April 26, 2008, at approximately 10:15 a.m., I was
6 the driver of a 2008 BMW 5 series and traveling with the co-
7 defendants who were passengers of the vehicle.

8 3. Border Patrol Agent Zoetewey stopped the vehicle,
9 approached the car and conducted an immigration inspection.

10 4. Agent Stallings was at the passenger side rear of the
11 vehicle while Agent Zoetewey was conducting the immigration
12 inspection.

13 5. Border Patrol Agent Zoetewey started questioning all
14 of the occupants, including myself.

15 6. Thereafter, upon showing of proper immigration
16 documents, I was permitted to drive away.

17 7. Approximately two hours later, I was at Border Field
18 State Park, standing next to my 2008 BMW.

19 8. I was stopped by Border Patrol Agent Stalling, the
20 same agent who was present earlier during the first stop.

21 9. Agent Stallings asked if we remembered him from the
22 earlier stop. Then, he began questioning me including the co-
23 defendants.

24 10. Agent Stallings asked for immigration documents. He,
25 for the second time, performed an immigration inspection.

26 11. I obeyed and provided Agent Stallings with
27 immigration documents because I did not think I could refuse.

12. Agent Stallings questioned me without giving me any Miranda warning. He said he had to search my vehicle.

13. I did not feel that I was free to leave at any time.

14. I knew that I was under his authority. I did not have a chance or a choice to refuse the search of the vehicle.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on this 44th day of September, 2008, at Encino,
California.

ARA E. AVETYANTS